

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, <i>et al.</i> ,	:	
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-CV-2989-AT
BRIAN KEMP, <i>et al.</i> ,	:	
	:	
	:	
Defendants.	:	

ORDER

On September 11, 2017, counsel for Representative Karen Handel filed a Special Appearance of Karen C. Handel in this matter. (Doc. 64.) Within this filing, Representative Handel's counsel asks the Court for an extension to file a responsive pleading to Plaintiffs' amended complaint. Currently, Plaintiffs' amended complaint is due today, September 15, 2017, and Defendants' responsive pleadings are due by September 29, 2017. Representative Handel's counsel seeks to file a response by October 5th instead of September 29th. Counsel claims good cause for this request because Representative Handel has not yet been served with a federal court summons or complaint since this case was removed here. Counsel represents that Representative Handel has only been served with a summons and complaint in the state-court action before this case was removed.

It is certainly troublesome that Representative Handel has not yet been served in this case. Plaintiffs' counsel emailed the Court and all parties on August 22, 2017, stating that “[e]fforts to serve [Representative Handel] by sheriff and to work out a waiver of service with her attorney remain ongoing.” (Email from Bryan Ward to the Court on August 22, 2017 at 12:47 P.M.) Assuming that Representative Handel maintains that she still has not been served, the Court **DIRECTS** her counsel to notify the Court no later than September 18, 2017 if Representative Handel (or counsel on her behalf) will accept service. The Court strongly urges Representative Handel to accept service. It is not in the public interest to refuse to accept service, given the need for timely resolution of this litigation and the tight litigation schedule established for this case.

If Representative Handel's counsel notifies the Court on September 18th that this service issue has been resolved, the Court will grant Representative Handel an extension to respond to the amended complaint no later than October 2, 2017.

IT IS SO ORDERED this 15th day of September, 2017.



Amy Totenberg
United States District Judge